LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

**MACOMB**, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE

JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant (Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

### **ROLL CALL**

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

## APPROVAL OF THE AGENDA

2. The agenda was reviewed by the Board Members for any additions, deletions or corrections.

MOTION by DUNN seconded by BUCCI to approve the agenda as presented.

**MOTION** carried.

APPROVAL OF THE BILLS

MOTION by KRZEMINSKI seconded by KOEHS to approve both bill runs as presented.

**MOTION** carried.

#### APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on May 10, 2006 were reviewed and approved as presented.

MOTION by BUCCI seconded by MALBURG to approve the minutes of the meeting of May 10, 2006 as presented.

**MOTION** carried.

#### **CONSENT AGENDA**

- 5. Consent Agenda Items:
  - A. Clerk's Department:
    - 1. Release of Monuments and Irons Bond; Pinnacle Woods Subdivision; MA01-125
  - B. Water & Sewer Department:
    - 1. Easement Encroachment Agreement; Francis Crump, III and Janice Frammolino-Crump; 22551 Rambling Drive, Lot 208, Creekside Village Subdivision #4.
    - 2. Easement Encroachment Agreement; Neil and Tracy Beauschesne; 16035 Howard Drive, Unit 164, Villa Rosa Subdivision #4.
    - 3. Easement Encroachment Agreement; Igor and Cindy Trajkovski; 18371 London Drive, Lot 18, Emerald Green Subdivision.

MOTION by DUNN seconded by MALBURG to approve the Consent Agenda as presented.

**MOTION** carried.

6. Public Comments - Three (3) Minute Time Limit

None

**AGENDA ITEMS** 

**PLANNING** 

7. Final Preliminary Plat & Landscape Plan; Char Estates Subdivision; Located on the south side of 24 Mile Road, approximately 1½ miles east of Romeo Plank Road; Thomas Bernasconi Trust, Petitioner. Permanent Parcel No. 08-16-100-015.

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the request for the Final Preliminary Plat and Landscape Plan for Char Estates and stated his and the Planning Commissions recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve Final Preliminary Plat & Landscape Plan for Char Estates Subdivision located on the south side of 24 Mile Road, approximately 1½ miles east of Romeo Plank Road, Permanent Parcel No. 08-16-100-015, with the standard conditions as recommended by the Planning Commission and the Planning Consultants.

#### MOTION carried.

8. Preliminary Plan; The Bluffs at Riverside Site Condominiums; Located on the west side of North Avenue, approximately ½ mile south of 23 Mile Road; L & M Macomb, LLC, Petitioner. Permanent Parcel No. 08-23-251-003.

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the request for approval of the Preliminary Plan and stated his and the Planning Commissions recommendation for approval.

MOTION by BUCCI seconded by NEVERS to approve the Preliminary Plan for the Bluffs at Riverside Site Condominiums located on the west side of North Avenue, approximately  $\frac{1}{2}$  mile south of 23 Mile Road, Permanent Parcel No. 08-23-251-003 with the standard conditions as recommended by the Planning Commission and the Planning Consultants.

#### **MOTION** carried.

9. Request for an Abeyance for Pathways, Sidewalks and Landscaping; Legacy Farms Phase 1; West of Fairchild Road, North of 22 Mile Road; Classic Development, Petitioner; Parcel Number 08-24-401-004.

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the request for the abeyance and stated his and the Planning Commissions recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to deny the request for an abeyance for pathways, sidewalks and landscaping at Legacy Farms Phase 1; West of Fairchild Road, North of 22 Mile Road; Classic Development, Petitioner; Parcel Number 08-24-401-004.

AYES: BUCCI, KRZEMINSKI AND MALBURG

NAYS: NEVERS, DUNN, KOEHS AND BRENNAN

MOTION failed.

MOTION by KOEHS seconded by DUNN to deny the request for an Abeyance for Pathways, Sidewalks at Legacy Farms Phase 1 located west of Fairchild Road, north of 22 Mile Road, Parcel Number 08-24-401-004.

AYES: NEVERS, DUNN, KOEHS AND BRENNAN

NAYS: BUCCI, KRZEMINSKI AND MALBURG

MOTION carried.

MOTION by BUCCI seconded by DUNN to extend the variance for the landscaping at Legacy Farms Phase 1 located west of Fairchild Road, north of 22 Mile Road, Parcel Number 08-24-401-004 for a period of thirty (30) days from June 1, 2006 to July 1, 2006.

**MOTION** carried.

10. Request to Approve Street Lighting Contract; Macomb Town Center South; North of 24 Mile Road, East of Future Luchtman Road, Section 9; Polaris Enterprises, Petitioner.

Supervisor Brennan reviewed the street lighting contract and stated that there would be no direct cost to the Township and his recommendation for approval.

MOTION by KOEHS seconded by KRZEMINSKI to approve the request for the Street Lighting Contract for Macomb Town Center South located North of 24 Mile Road, East of Future Luchtman Road, Section 9.

MOTION carried.

11. Request to Approve Speculative Building Industrial Development District; Macomb Industrial Park, Unit 11; Greg Iacobelli, Petitioner; Permanent Parcel Number 08-18-326-011.

Mr. Lawrence Dloski, Township Legal Counsel, reviewed the request and explained the Speculative Building process and that this was clearly to be a single user building.

Mr. Matthew Gibb, representing the petitioner, was present to answer any questions that the Board might have.

MOTION by DUNN seconded by BUCCI to approve the request for a Speculative Building Industrial Development District; Macomb Industrial Park, Unit 11; Greg Iacobelli, Petitioner; Permanent Parcel Number 08-18-326-011 and adopt the following resolution:

The following preamble and resolution were offered by Member DUNN and supported by Member BUCCI:

WHEREAS, M.G.G., L.L.C. is the owner of land in the Township of Macomb, Macomb County, Michigan, more particularly described in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, on January 11, 2006, the Township Board established an Industrial Development District pursuant to 1974 PA 198 (the "Act") upon the request of the owner consisting of lands which are now known as Unit 11 of Macomb Industrial Park Condominium, of which the Land is a part thereof; and

WHEREAS, the owner has constructed an industrial building(s) of approximately 16,275 square feet on the Land; and

WHEREAS, the owner has requested the Township Board to approve said structure(s) as a Speculative Building as defined in Section 3(8) of the Act, and upon the conditions as set forth in Section 9(4) of the Act.

WHEREAS, the Speculative Building was constructed less than nine (9) years before the filing of the application; and

WHEREAS, the Speculative Building has not been occupied since completion of construction; and

WHEREAS, the Speculative Building otherwise qualifies under subsection (2)(e) of the Act; and

WHEREAS, the owner of the building has represented to the Township that the building is for a single user and will not be divided for multiple users; and

WHEREAS, the Township Board is desirous of granting the application for a Speculative Building.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD

# OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN THAT:

- 1. The Application to construct a Speculative Building consisting of approximately 16,275 square feet on land described in Exhibit "A" be and by the same is hereby declared and approved as a Speculative Building pursuant to the provisions of the Act.
- 2. The building shall be designated as a Speculative Building for a period of nine (9) years from and after its construction, unless revoked earlier as provided in Section 15 of the Act.
- 3. An application for Industrial Facilities Exemption Certificate may be submitted by the first user of such building which qualifies pursuant to the provisions of the Act.

AYES: BUCCI, DUNN, KRZEMINSKI, NEVERS, MALBURG, KOEHS AND

**BRENNAN** 

NAYS: NONE

ABSENT: NONE

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs, Clerk Township of Macomb

## **MOTION** carried.

12. Request to Approve Final Plat; Clearstone Subdivision, 100 Lots; Located south of 26 Mile Road and west of Luchtman Road; DeMercurio and Karam, Petitioners; Permanent Parcel Number 08-05-200-011.

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the request to approve the Final Plat for the Clearstone Subdivision and stated his and the Planning Commissions recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the request for the Final Plat for Clearstone Subdivision located south of 26 Mile Road and west of Luchtman Road, Permanent Parcel Number 08-05-200-011.

**MOTION** carried.

#### **OLD BUSINESS**

13. Reappointment of Members of the Macomb Township Board of Canvassers

Clerk Koehs reviewed the function of the Board of Canvassers and indicated that both of these persons were qualified to continue on this Board.

MOTION by KRZEMINSKI seconded by BUCCI to reappoint Cynthia Willaert and Alisa Diez to the Macomb Township Board of Canvassers for terms expiring on June 30, 2010.

**MOTION** carried.

14. Request to Extend the Temporary Certificates of Occupancy; Romeo Plank Crossing; South of 23 Mile Road, East of Romeo Plank Road.

Mr. James VanTiflin, Consulting Engineer, reviewed the situation with the approval of the FEMA letter of map revision for this complex and stated that he was certain that the LOMR would be approved, but that it may not be until after the existing Temporary Certificates of Occupancy expire.

MOTION by BUCCI seconded by KRZEMINSKI to extend the Temporary Certificates of Occupancy of all units in the Romeo Plank Crossings development for ninety (90) days, to September 1, 2006.

**MOTION** carried.

#### **NEW BUSINESS**

15. Request to pay Annual Dues for the Michigan Townships Association.

Supervisor Brennan reviewed this request for dues and indicated that Macomb Township derives considerable benefit from this Association.

MOTION by KRZEMINSKI seconded by DUNN to pay the annual dues for the Michigan Townships Association for 2006 in the amount of five thousand four hundred and thirty one dollars and forty-four cents, (\$5432.44).

**MOTION** carried.

16. Request For a Liquor License; 47218 Hayes Road, in the Fountains of Macomb Center; George Bados and Paragiota Tourkakis, Petitioners.

Supervisor Brennan reviewed the request for this license. Mrs. Dunn reiterated her concerns that this proposed establishment will be within feet of another liquor license establishment and directly behind an existing residential development.

MOTION by DUNN seconded by NEVERS to deny the request for a liquor license for 47218 Hayes Road, in the Fountains of Macomb Center; George Bados and Paragiota Tourkakis, Petitioners.

**MOTION** carried.

17. Request Authorize the Planning Commission to conduct hearings for the Amendment of the Township Zoning Ordinance to comply with the Municipal Zoning Act.

Supervisor Brennan and Mr. Lawrence Dloski indicated that due to recent legislation that has been passed, it is necessary to review our zoning ordinance to ensure that we are in compliance with the new statutes.

MOTION by KOEHS seconded by KRZEMINSKI to authorize the Planning Commission to conduct public hearings for the amendments to the Township Zoning Ordinance to comply with the Municipal Zoning Act of 2006.

**MOTION** carried.

#### INFORMATION TECHNOLOGY DEPARTMENT

18. Request to purchase Phone System for Old Town Hall.

James Koss, Information Technology Director, reviewed this request and indicated that it is a matching and compatible system to the ones that exist in our other township facilities.

MOTION by BUCCI seconded by KOEHS to approve the purchase of the new phone system for the Old Towns Hall from SBC for a total of seven thousand ninety dollars and four cents (\$7099.04).

**MOTION** carried.

#### FIRE DEPARTMENT

19. Request to Purchase Twelve (12) 800 MHz Radios.

Fire Chief Robert Phillips reviewed this request and indicated that these twelve radios were a part of the new 800 megahertz system being implemented. The

balance due for this purchase is twenty nine thousand one hundred forty one dollars and forty cents, (\$29,141.40).

MOTION by KRZEMINSKI seconded by DUNN to approve the purchase of the twelve radios as requested by the Fire Chief.

**MOTION** carried.

# 20. Request to Enter into Mutual Aid Agreement with Detroit Arsenal Fire Department.

Fire Chief Robert Phillips reviewed this request and indicated that this is a formal written agreement which is necessary because of new Homeland Security regulations.

MOTION by KRZEMINSKI seconded by KOEHS to sign the Mutual Aid Agreement with the Detroit Arsenal Fire Department pursuant to the Township Attorney reviewing and approving the reference language in Section 15 U.S.C. 2210.

MOTION carried.

#### **HUMAN RESOURCES DEPARTMENT**

## 21. Request to Recruit a Planning Supervisor.

John Brogowicz, Human Resource Director, indicated that the position of Planning Supervisor is open due to the recent resignation of Sherrin Hood, and he requests that he be permitted to start the recruitment process for a new Planning Supervisor.

MOTION by KRZEMINSKI seconded by KOEHS to approve the request to initiate the recruitment process for a Planning Supervisor.

MOTION carried.

## 22. Request to Amend Macomb Township Group Pension Plan.

John Brogowicz, Human Resource Director, explained that this amendment is to provide the Township access to funds that are currently in the pension account but are unavailable to pay for administrative expenses unless this amendment is adopted.

MOTION by KOEHS seconded by MALBURG to approve the adoption of Amendment Number 4 as follows:

Attached to and made part of

#### MACOMB TOWNSHIP GROUP PENSION PLAN

### MACOMB TOWNSHIP

It is hereby understood and agreed that said Plan is amended by:

- 1. Exhibit E3 is hereby deleted in its entirety and the following provision shall be substituted thereof:
- E3. FORFEITURES (Section 4.3(e)): Forfeitures of contributions other than matching contributions shall be:
  - (a) [] N/A No Employer's contribution other than matching or Employer contribution (other than matching) is fully vested.
  - (b) [] Allocated to all participants eligible to share in the allocations is the same proportion that each participant's compensation for the year bears to the compensation of all participants for such year.
  - (c) [] Allocated to all participants eligible to share in the allocations is the same proportion that each participant's compensation for the year bears to the compensation of all participants for such year. NOTE: Employer forfeitures (other than matching forfeitures) shall only be allocated to all participants who have a sub account on the last day of the Plan Year in which such amounts were forfeited and allocated to such Participant's sub account.
  - (d) [] Used to reduce Employer's contribution (other than matching).
  - (e) [X] Applied to offset administrative expenses of the Plan. If forfeitures exceed the administrative expenses, (d) will apply.

Nothing contained herein shall be held to alter, vary or affect any of the terms of said Plan than as stated above.

This amendment shall be effective as of June 1, 2006.

#### **MOTION** carried.

#### WATER AND SEWER DEPARTMENT

23. Request to Pay Certificate # 4, 23 Mile Road Water Main and Sanitary Sewer Replacement, MA02-007 and MA02-022, Pamar Enterprises.

David Koss, Water and Sewer Superintendent, reviewed this request and stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the payment of Pay Certificate Number 4 for the project numbered MA02-007 in the amount of nine

hundred fifty one thousand five hundred twenty five dollars and thirty eight cents (\$951,525.38)

MOTION carried.

24. Request to approve the Printing and Postage for the 2005 'Water Connection'.

David Koss, Water and Sewer Superintendent, reviewed this request and stated his recommendation for approval.

MOTION by DUNN seconded by BUCCI to approve the printing and mailing of this annual report in the amount of eight thousand six hundred thirty three dollars and fifty cents(\$8,633.50).

**MOTION** carried.

25. Road Repair for North Avenue and 21 Mile Road.

David Koss, Water and Sewer Superintendent, reviewed this request and explained the situation that caused the need for the repair. He further stated that he had received three bids, and then stated his recommendation for approval.

MOTION by KOEHS seconded by MALBURG to award the contract for the repair of North Avenue at 21 Mile Road to Florence Cement Company in the amount of fifty six thousand forty-five dollars and fifty cents (\$56,045.50).

**MOTION** carried.

#### **BOARD COMMENTS**

- 26. Supervisor Comments:
  - A. Set Date for Annual Budget Hearing

MOTION by KRZEMINSKI seconded by MALBURG to set the date for the Annual Budget Hearing to June 21, 2006, at 6:00 p.m.

**MOTION** carried.

#### **ADJOURNMENT**

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 7:51 p.m.

**MOTION** carried.

Respectfully submitted,

John D. Brennan Macomb Township Supervisor

Michael D. Koehs, CMC Macomb Township Clerk